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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MARGARITA LETERIELY, an individual,

Plaintiff,

v.

JESUS F. FIGUEROA, an individual; SAN  
MARTIN TRUCKING, LLC, a Foreign Limited  
Liability Company; DOES I through X, inclusive;  
ROE CORPORATION I through X, inclusive

Defendants.

Case No. 2:23-cv-00732-RFB-EJY

**STIPULATED DISCOVERY PLAN  
AND SCHEDULING ORDER  
PURSUANT TO FRCP 26(f) AND  
LR 26-1(b)**

COME NOW, Plaintiff MARGARITA LETERIELY (“Plaintiff”), by and through her attorneys, JAMES P. C. SILVESTRI, ESQ. and JOSE E. CARMONA, ESQ., of the law firm PYATT SILVESTRI, and Defendants JESUS F. FIGUEROA and SAN MARTIN TRUCKING, LLC (collectively “Defendants”), by and through their attorney, MELISSA J. ROOSE, ESQ., of the law firm RESNICK & LOUIS, P.C., and hereby submit the following Stipulated Discovery Plan and Scheduling Order pursuant to LR 26-1(b) and Fed. R. Civ. P. 26(f). Deadlines that fall on a Saturday, Sunday, or legal holiday have been scheduled for the next judicial day.

**1. F.R.C.P. 26(f) Meeting:** Pursuant to F.R.C.P. 26(f), counsel for the parties conferred by telephone to develop a proposed discovery plan on Monday, June 5, 2022. The conference was held by Jose E. Carmona, Esq. of **PYATT SILVESTRI** on behalf of Plaintiff Margarita Leteriely, and Melissa J. Roose, Esq. of **RESNICK & LOUIS, P.C** on behalf of Defendants Jesus F. Figueroa and San Martin Trucking, LLC.

- 1 **2. Pre-Discovery Disclosures:** Pursuant to F.R.C.P. 26(a)(1), the parties made their pre-  
2 discovery disclosures, including any and all information required by F.R.C.P. 26(a)(1) as  
3 follows:
  - 4 **a. Plaintiff made her** pre-discovery disclosures on June 5, 2023.
  - 5 **b. Defendants made their** pre-discovery disclosures on June 2, 2023.
- 6 **3. Areas of Discovery:** The parties agree that the areas of discovery should include, but not be  
7 limited to, all claims and defenses allowed pursuant to the Federal Rules of Civil Procedures.
- 8 **4. Discovery Plan:** The parties propose the following discovery plan:
  - 9 **a. Discovery Cut-Off Date [LR 26-1(b)(1)]:** The Defendants filed for removal on May  
10 9, 2023. The proposed last day of discovery shall be **November 6, 2023**, which is  
11 calculated as 180 days from the first appearance in Federal Court.
  - 12 **b. Amendment of Pleadings and Adding of Parties [LR 26-1(b)(2)]:** The parties shall  
13 have until **August 8, 2023**, to file any motion to amend the pleadings or to add parties.  
14 This is 90 days before the proposed discovery cutoff date.
  - 15 **c. F.R.C.P. 26(a)(2) Disclosures (Experts) [LR 26-1(b)(3)]:** Disclosure of experts shall  
16 proceed according to F.R.C.P. 26(a)(2) except that, pursuant to LR 26-1(b)(3): the  
17 initial disclosure of experts and expert reports shall occur on **September 6, 2023**, which  
18 is 60 days before the proposed discovery cutoff date; and the disclosure of rebuttal  
19 experts shall occur on **October 6, 2023**, which is 30 days after the initial disclosure of  
20 experts.
  - 21 **d. Dispositive Motions [LR 26-1(b)(4)]:** The parties shall have until **December 6, 2023**  
22 to file dispositive motions, which is 30 days after the proposed discovery cutoff date.
  - 23 **e. Pre-Trial Order [LR 26-1(b)(5)]:** The joint pre-trial order shall be filed by **February**  
24 **5, 2024**, which is 30 days after the date set for filing dispositive motions. If a dispositive  
25 motion is timely filed, this deadline is suspended until 30 days after decision of the  
26 dispositive motion or further order of the Court.
  - 27 **f. Trial Readiness:** The case should be ready for trial by **May or June of 2024** and is  
28 expected to take approximately **6-8 days**.

- 1           **g. Rule 26(a)(3) Disclosures [LR 26-1(b)(6)]:** Unless otherwise directed by the Court,
- 2           pretrial disclosures as set out in F.R.C.P. 26(a)(3) and any objections to them shall be
- 3           included in the joint pretrial order.
- 4           **h. Court Conferences:** If the Court has questions regarding the dates proposed by the
- 5           parties, the parties request a conference with the Court before entry of the Scheduling
- 6           Order. If the Court does not have questions, the parties do not request a conference with
- 7           the Court.
- 8           **i. Extension or Modifications of the Discovery Plan and Scheduling Order:** LR 26-
- 9           4 governs modifications or extensions of the Discovery Plan and Scheduling Order.
- 10          Any stipulation or motion to extend a deadline set forth in the discovery plan and
- 11          scheduling order must be made not later than 21 days before the subject deadline unless
- 12          good cause exists to request an extension thereafter. Any stipulation or motion to
- 13          extend the discovery period must be made no later than **October 13, 2023**, 21 days
- 14          before the discovery cut-off date unless good cause exists to request an extension
- 15          thereafter.
- 16          **j. Format of Discovery:** Pursuant to the electronic discovery amendments to the Federal
- 17          Rules of Civil Procedure effective December 1, 2006, the parties addressed the e-
- 18          discovery issues pertaining to the format of discovery at the FRCP 26(f) conference.
- 19          The parties do not anticipate discovery of native files or metadata at this time, but each
- 20          party reserves the right to make a showing for the need of such electronic data as
- 21          discovery progresses.
- 22      **5. Alternative Dispute Resolution and Settlement [LR 26-1(b)(7)]:** The parties certify that
- 23      they met and conferred about the possibility of using alternative dispute resolution processes,
- 24      including mediation, arbitration, and if applicable, early neutral evaluation.
- 25      **6. Alternative Forms of Case Disposition [LR 26-1 (b)(8)]:** The parties certify that they
- 26      considered consent to trial by a Magistrate Judge under 28 U.S.C. § 636(c) and Fed. R. Civ.
- 27      P. 73 and the use of the Short Trial Program (General Order 2013-01). The Parties do not
- 28

1 unanimously consent to the Magistrate Judge's jurisdiction or to the use of the Short Trial  
2 Program.

3 **7. Electronic Evidence [LR 26-1 (b)(9)]:** The parties certify that they discussed whether they  
4 intend to present evidence in electronic format to jurors for the purposes of jury deliberations.  
5 The parties may present evidence in electronic format to jurors for the purposes of jury  
6 deliberations in compliance with the court's electronic jury evidence display system.

7 **8. Review of Local Rule 26-1(b):** The parties certify that they have read the text of Local Rule  
8 26-1(b), effective as amended April 17, 2020.

9 DATED this 8<sup>th</sup> day of June, 2023.

DATED this 8<sup>th</sup> day of June, 2023.

10 PYATT SILVESTRI

11 /s/ Jose E. Carmona

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Attorney for Defendants,

Jesus F. Figueroa and San Martin Trucking

19 LLC

20 IT IS SO ORDERED.

21   
UNITED STATES MAGISTRATE JUDGE

22 Dated: June 8, 2023